

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a firm-fixed-price task order issued under the National Aeronautics and Space Administration (NASA) Solutions for software maintenance support renewal under the Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of the Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering, Field Operations Region 3 has a requirement for renewal of existing Rand Secure Email and File Level Archiving (Rand) software maintenance support. This software maintenance support renewal will cover the current software hosted in VA OI&T Region 3 Data Center located in the Richmond Medical Center and will ensure continued operation of the Region 3 email archiving system. The required software maintenance support provides operating environment updates, 24/7 remote monitoring and onsite response, global technical support, rights to new releases of software, and 24/7 access to on-line support tools. This proposed action is for maintenance support services only; no additional software will be procured under this delivery order. The period of performance for the proposed delivery order shall be from October 1, 2015 through September 30, 2016.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(B) entitled, "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."
5. Rationale Supporting Use of Authority Cited Above: Based on market research, described in section 8 of this document, the Government has determined that only Rand or an authorized reseller can provide the required maintenance support. Rand has a considerable amount of proprietary code in their software; therefore customers must update their versions and support/maintenance agreements with Rand or an authorized reseller in order to continue to receive new product updates as well as on-going technical support, patches, code updates, and other maintenance. Support plans acquired through Rand or an authorized reseller, ensure the integrity of the email data that's archived and are the only plans that can ensure that the maintenance support for the fielded software is configured properly and remains operational. Due to its proprietary nature, no other software development or maintenance source can provide the requisite product updates, technical support, patches, and other maintenance for the fielded Rand software. Failure to renew this software maintenance support will negatively impact Region 3's ability to maintain the systems that support all email

archiving. If the support renewal is not in place VA technical support administrator staff will lose access to Rand to get support including like patches and code updates. Without the Rand software maintenance support, VA users will not have access to this system, which will adversely impact patient care because necessary daily archiving of email can't be accomplished if users lack the ability to open, send or respond to messages. A number of patient care monitoring systems depend on this system being fully functional on a 24x7 basis. For example, alerts from refrigerators storing blood send out automatic email alerts when a door is left open, rendering the message irretrievable if OI&T cannot maintain full access to Rand support to sustain the system. Rand is a commercial-off-the-shelf (COTS) product that has been configured and modified for OI&T's needs. Alerts generated from Medical Centers' monitoring systems send numerous messages, including escalation alerts to medical support staff, which could overwhelm the email Exchange system if Rand software maintenance is not renewed. OI&T also uses the Rand software to stage (move) messages based on a threshold policy. When a user's mailbox capacity reaches its limit, Rand software facilitates freeing up mailbox space to allow the alert messages to get through. This technology is being used to replace the pager alerting system because more information can be placed in a message over an analog display, and because of its auditability.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required Rand software maintenance renewal among authorized resellers. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized within 14 days of award on the Federal Business Opportunities Page and this justification will be made publicly available. In accordance with FAR 16.505(a)(4)(iii)(A), this justification will be posted with the Request For Quotation on the NASA SEWP V GWAC.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the requirements described herein, the Government's technical experts will continue to perform market research to determine if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: The Government's technical personnel conducted market research in June 2015 using the NASA SEWP V GWAC website and meeting with vendors. Market research consisted of VA technical personnel reviewing support services offered by other email archiving software providers who make similar products. International Business Machines, Hewlett Packard, and EMC Corporation all reported that they do not support the Rand Secure Archiving brand nor do they support each other's brand name products. Other sources cannot provide the required Rand licensed product renewal, product update services, maintenance, support and proprietary code updates. Additionally, VA network systems Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other vendors have a partnership with the original software developer and provider. Based on the above market research, the Government's technical personnel have determined that only Rand or an authorized reseller can provide support for the existing software to meet all of VA's needs.

The Contract Specialist also conducted further market research in July 2015 utilizing the NASA SEWP V GWAC Provider look-up tool and identified six authorized resellers of Rand products and services that hold current GWACs. Accordingly, competition among GWAC holders who are resellers of Rand brand name products and services is anticipated.

9. Other Facts: Failure to use the Rand software maintenance support would void the original developer warranty and put the VA production systems at risk because VA support staff will not have access to the software developer's programmers and software technical personnel that help to ensure there is no data corruption in the Region 3 email archiving system.